

EXHIBIT A

From: Jack B. Blumenfeld
Sent: Sunday, June 25, 2006 11:27 AM
To: Jack B. Blumenfeld
Subject: FW: Due date for opening expert reports

----- Forwarded by Jessica L Davis/SV/WGM/US on 06/15/2006 04:22 PM -----

"Williamson, John"
<John.Williamson@finnegan.com>

<jessica.davis@weil.com>, <DAVID.NELSON@lw.com>,
TO <SSinder@kenyon.com>, <Steven.Cherny@lw.com>,
<edward.reines@weil.com>, <sonal.mehta@weil.com>

06/15/2006 04:19 PM

"Dunner, Don" <Don.Dunner@finnegan.com>, "Esfahani, Houtan"
cc <Houtan.Esfahani@finnegan.com>, "Anzalone, Steven"
<steven.anzalone@finnegan.com>

Subject RE: Due date for opening expert reports

Dear Counsel,

Thank you for your email. Telcordia accepts the proposal set forth in Jessica's email below, which we understand to be submitted on behalf of all defendants.

Regards,

John

From: jessica.davis@weil.com [mailto:jessica.davis@weil.com]
Sent: Thursday, June 15, 2006 7:15 PM
To: Anzalone, Steven
Cc: DAVID.NELSON@lw.com; Dunner, Don; Esfahani, Houtan; Williamson, John; SSinder@kenyon.com; Anzalone, Steven; Steven.Cherny@lw.com; edward.reines@weil.com; sonal.mehta@weil.com
Subject: RE: Due date for opening expert reports

Steve:

I write to follow-up on Telcordia's proposal that the parties extend the schedule for expert reports. In view of the fact that we have not yet received a claim construction ruling, we believe that a discussion about scheduling is now appropriate. We would be willing to extend expert discovery as follows:

Opening expert reports: June 26
Rebuttal expert reports: July 21
Reply expert reports: July 28
Close of expert discovery: August 7

Please let us know whether Telcordia would agree to such a schedule.

Thanks,
Jessica

Jessica L. Davis
WEIL, GOTSHAL & MANGES LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Direct Dial: (650) 802-3909

6/25/2006

Sonal

Mehta/SV/WGM/US

To steven.anzalone@finnegan.com

06/09/2006 10:39

AM

DAVID.NELSON@lw.com, Don.Dunner@finnegan.com, Houtan.Esfahani@finnegan.com,

cc John.Williamson@finnegan.com, SSinder@kenyon.com, steven.anzalone@finnegan.com,

Steven.Cherny@lw.com, edward.reines@weil.com

Subject RE: Due date for opening expert reports [Link](#)

Steve,

Thank you for your email proposing an extension of the schedule for expert reports. We believe that an extension of expert discovery at this point is premature because, as you correctly note, the Court's claim construction ruling is expected shortly. If we do not receive the ruling by the middle of next week we would certainly welcome such a discussion.

To the extent your request for an extension is based on deposition scheduling and open discovery issues, we would like to understand precisely what depositions and discovery Telcordia believes are outstanding so we can make every effort to address any reasonable request promptly.

Best regards,

Sonal N. Mehta

Weil Gotshal & Manges

201 Redwood Shores Pkwy

Redwood Shores, CA 94065

t: (650) 802-3118

f: (650) 802-3100

sonal.mehta@weil.com

"Anzalone, Steven"

<steven.anzalone@finnegan.com>

06/05/2006 08:24 AM

To <DAVID.NELSON@lw.com>, <Steven.Cherny@lw.com>,
<edward.reines@weil.com>, <Sonal.Mehta@weil.com>, <SSinder@kenyon.com>

"Anzalone, Steven" <steven.anzalone@finnegan.com>, "Dunner, Don"
<Don.Dunner@finnegan.com>, "Williamson, John"
cc <John.Williamson@finnegan.com>, "Esfahani, Houtan"

<Houtan.Esfahani@finnegan.com>

Subject RE: Due date for opening expert reports

Dear Counsel,

We are currently all scheduled to exchange opening expert reports on June 19, 2006. Would any or all of the defendants be interested in moving that date back one week to June 26, 2006, in view of the fact that: (1) we do not appear to have a claim construction ruling from the Court, although we expect it should be forthcoming; (2) several depositions are scheduled to take place during the week before June 19; and (3) several discovery issues remain open?

6/25/2006

With best regards,

Steven Anzalone, Esq.
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, D.C. 20001-4413
email: steven.anzalone@finnegan.com
voicemail: (202) 408-4004
facsimile: (202) 408-4400

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From: DAVID.NELSON@lw.com [mailto:DAVID.NELSON@lw.com]
Sent: Tuesday, May 16, 2006 6:43 PM
To: Anzalone, Steven
Cc: Mason, Geoff
Subject: RE: Agreement also applies to rebuttal reports

Thanks Steve. I will get the letter out shortly to you confirming the agreement.

Thanks for the help with this.

Dave.

From: Anzalone, Steven [mailto:steven.anzalone@finnegan.com]
Sent: Tuesday, May 16, 2006 5:41 PM
To: Nelson, David (CH)
Cc: Anzalone, Steven; Mason, Geoff
Subject: Agreement also applies to rebuttal reports

Dear David,

In response to your voicemail, we may not have specifically discussed the handling of rebuttal expert reports last week or after the Markman hearing. Nevertheless, Telcordia would of course be agreeable to the same one-week extension and the same rules concerning discovery of expert report preparation as we have previously discussed concerning the initial reports.

With best regards,

Steve

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Latham & Watkins LLP

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< END >

6/25/2006

EXHIBIT B

From: edward.reines@weil.com
Sent: Friday, June 23, 2006 2:36 PM
To: jday@ashby-geddes.com
Cc: anemiroff@kenyon.com; apoff@ycst.com; bherishkowitz@kenyon.com; cnaples@kenyon.com; david.farnum@lw.com; david.nelson@lw.com; don.burley@finnegan.com; don.dunner@finnegan.com; etse@kenyon.com; geoff.mason@finnegan.com; griff.price@finnegan.com; houtan.esfahani@finnegan.com; james.hammond@finnegan.com; Jack B. Blumenfeld; jday@ashby-geddes.com; jim.wilson@finnegan.com; jingersoll@ycst.com; john.williamson@finnegan.com; jshaw@ycst.com; Leslie A. Polizoti; lpopovski@kenyon.com; mcarniaux@kenyon.com; mgabriel@kenyon.com; mhannemann@kenyon.com; msquire@ycst.com; nichelle.randolph@finnegan.com; pedro.suarez@finnegan.com; ron.myrick@finnegan.com; sasha.mayergoyz@lw.com; smithr@finnegan.com; ssinder@kenyon.com; steven.anzalone@finnegan.com; steven.cherny@lw.com; tlydon@ashby-geddes.com; vamsi.kakarla@finnegan.com; york.faulkner@finnegan.com; jessica.davis@weil.com; matthew.powers@weil.com; ryan.owens@weil.com; sonal.mehta@weil.com
Subject: Re: FW: Telcordia cases

John,

As you know, Defendants have already squeezed two weeks out of the schedule in the prior two extensions of the expert report deadline. Moreover, Telcordia has been aware of the claim constructions which have now been adopted by Judge Sleet so most of what needs to be done is simply to remove opinions relating to the rejected claim constructions.

Against that background, for us to seriously consider your proposal, we need to know which reports you believe truly warrant an extension. We do not see why a damages report would justify an extension, although that appears to be part of what you are seeking. Indeed, we need to know how many reports you plan to serve so we can assess how much we will have to react to in the limited time we have (which you propose to compress further). In addition, we are uncomfortable with a week extension given the already tight schedule and given our belief that there is no need for that much additional time for your reports. Please let us know asap how fast you think you can be ready to serve your reports so we can consider a more balanced request for an extension.

Best,

Ed

"JDay" <jday@ashby-geddes.com>

06/23/2006 08:36 AM

<jingersoll@ycst.com>, <apoff@ycst.com>, <msquire@ycst.com>, <ssinder@kenyon.com>, <bherishkowitz@kenyon.com>, <cnaples@kenyon.com>, <mhannemann@kenyon.com>, <mcarniaux@kenyon.com>, <mgabriel@kenyon.com>, <etse@kenyon.com>, <anemiroff@kenyon.com>, <lpopovski@kenyon.com>, <jshaw@ycst.com>, <steven.cherny@lw.com>, <david.nelson@lw.com>, <sasha.mayergoyz@lw.com>, <david.farnum@lw.com>, <jblumenfeld@mnat.com>, <lpolizoti@mnat.com>, <matthew.powers@weil.com>, <edward.reines@weil.com>, <sonal.mehta@weil.com>, <ryan.owens@weil.com>, <jessica.davis@weil.com>, <don.dunner@finnegan.com>, <don.burley@finnegan.com>, <smithr@finnegan.com>, <york.faulkner@finnegan.com>, <jim.wilson@finnegan.com>, <houtan.esfahani@finnegan.com>, <john.williamson@finnegan.com>, <ron.myrick@finnegan.com>, <geoff.mason@finnegan.com>, <steven.anzalone@finnegan.com>, <pedro.suarez@finnegan.com>, <griff.price@finnegan.com>, <james.hammond@finnegan.com>, <nichelle.randolph@finnegan.com>, <vamsi.kakarla@finnegan.com>, "JDay" <jday@ashby-geddes.com>, "TLydon" <tlydon@ashby-geddes.com>

cc

Subject FW: Telcordia cases

6/25/2006

Please forgive the duplicative message if this is the second time you received it. I failed to use the updated email list when I sent my previous message.

Thanks,

John

From: JDay

Sent: Friday, June 23, 2006 11:27 AM

To: 'jingersoll@ycst.com'; 'ssinder@kenyon.com'; 'bhershkowitz@kenyon.com'; 'cnaples@kenyon.com'; 'mhannemann@kenyon.com'; 'mcarniaux@kenyon.com'; 'mgabriel@kenyon.com'; 'etse@kenyon.com'; 'skolassa@kenyon.com'; 'anemirot@kenyon.com'; 'jshaw@ycst.com'; 'gmandalas@ycst.com'; 'steven.cherny@lw.com'; 'david.nelson@lw.com'; 'sasha.mayergoyz@lw.com'; 'jblumenfeld@mnat.com'; 'matthew.powers@weil.com'; 'edward.reines@weil.com'; 'sonal.mehta@weil.com'; 'ryan.owens@weil.com'; 'jessica.davis@weil.com'; 'don.dunner@finnegan.com'; 'don.burley@finnegan.com'; 'rsmith@finnegan.com'; 'york.faulkner@finnegan.com'; 'richard.rainey@finnegan.com'; 'jim.wilson@finnegan.com'; 'houtan.esfahani@finnegan.com'; 'john.williamson@finnegan.com'; 'nichelle.randolph@finnegan.com'

Cc: SBalick; TLydon

Subject: Telcordia cases

Good morning. In order to afford the parties' experts the opportunity to review and digest the Court's June 22nd claim construction decision before submitting their opening expert reports (which currently are due on Monday), Telcordia proposes that the parties stipulate to a one-week extension of the due date for such reports. Would you please let me know whether your client is amenable to such an extension at your earliest convenience? We'd like to advise the Court by 3:00 pm (Eastern) today.

Thanks,

John

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6/25/2006

EXHIBIT C

From: edward.reines@weil.com
Sent: Friday, June 23, 2006 6:09 PM
To: jday@ashby-geddes.com
Cc: anemiroff@kenyon.com; apoff@ycst.com; bherishkowitz@kenyon.com; cnaples@kenyon.com; david.farnum@lw.com; david.nelson@lw.com; don.burley@finnegan.com; don.dunner@finnegan.com; etse@kenyon.com; geoff.mason@finnegan.com; griff.price@finnegan.com; houtan.esfahani@finnegan.com; james.hammond@finnegan.com; Jack B. Blumenfeld; jday@ashby-geddes.com; jim.wilson@finnegan.com; jingersoll@ycst.com; john.williamson@finnegan.com; jshaw@ycst.com; Leslie A. Polizoti; lpopovski@kenyon.com; mcarniaux@kenyon.com; mgabriel@kenyon.com; mhannemann@kenyon.com; msquire@ycst.com; nichelle.randolph@finnegan.com; pedro.suarez@finnegan.com; ron.myrick@finnegan.com; sasha.mayergoyz@lw.com; smithr@finnegan.com; ssinder@kenyon.com; steven.anzalone@finnegan.com; steven.cherny@lw.com; tlydon@ashby-geddes.com; vamsi.kakarla@finnegan.com; york.faulkner@finnegan.com; jessica.davis@weil.com; matthew.powers@weil.com; ryan.owens@weil.com; sonal.mehta@weil.com
Subject: Fw: Telcordia cases

John,

Earlier today we sought some answers concerning your request for a third extension of the expert report deadline. Because your initial email implied that you were going to contact the Court informally at (3 pm ET) after you met and conferred with defendants and because you instead filed a motion, it is not clear what transpired. Thus, we have the following questions:

1. Will Telcordia accept anything less than a week extension?
2. Is Telcordia insistent on an extension for all the reports it plans to file?
3. How many and what kind of reports is Telcordia planning to submit to support its burdens of proof?
4. Did Telcordia contact the Court informally and, if so, what happened?

Please respond as soon as possible. Also, note that, absent Court order, we plan to meet the expert report deadline. It would be unfair and improper for Telcordia to ignore the current deadline and "grant" its own motion to change the schedule. We reserve all rights in that regard.

Best,

Ed

----- Forwarded by Edward Reines/SV/WGM/US on 06/23/2006 02:55 PM -----

Edward Reines/SV/WGM/US

06/23/2006 11:36 AM

To jday@ashby-geddes.com

anemiroff@kenyon.com, apoff@ycst.com, bherishkowitz@kenyon.com, cnaples@kenyon.com, david.farnum@lw.com, david.nelson@lw.com, don.burley@finnegan.com, don.dunner@finnegan.com, etse@kenyon.com, geoff.mason@finnegan.com, griff.price@finnegan.com, houtan.esfahani@finnegan.com, james.hammond@finnegan.com, jblumenfeld@mnat.com, jday@ashby-geddes.com, jim.wilson@finnegan.com, jingersoll@ycst.com, john.williamson@finnegan.com, jshaw@ycst.com, lpolizoti@mnat.com, lpopovski@kenyon.com, mcarniaux@kenyon.com, cc mgabriel@kenyon.com, mhannemann@kenyon.com, msquire@ycst.com, nichelle.randolph@finnegan.com, pedro.suarez@finnegan.com, ron.myrick@finnegan.com, sasha.mayergoyz@lw.com, smithr@finnegan.com, ssinder@kenyon.com, steven.anzalone@finnegan.com, steven.cherny@lw.com, tlydon@ashby-geddes.com, vamsi.kakarla@finnegan.com, york.faulkner@finnegan.com, jessica.davis@weil.com, matthew.powers@weil.com, ryan.owens@weil.com, sonal.mehta@weil.com

Subject Re: FW: Telcordia cases [Link](#)

6/25/2006

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Against that background, for us to seriously consider your proposal, we need to know which reports you believe truly warrant an extension. We do not see why a damages report would justify an extension, although that appears to be part of what you are seeking. Indeed, we need to know how many reports you plan to serve so we can assess how much we will have to react to in the limited time we have (which you propose to compress further). In addition, we are uncomfortable with a week extension given the already tight schedule and given our belief that there is no need for that much additional time for your reports. Please let us know asap how fast you think you can be ready to serve your reports so we can consider a more balanced request for an extension.

Best,

Ed

"JDay" <jday@ashby-geddes.com>

06/23/2006 08:36 AM

<jingersoll@ycst.com>, <apoff@ycst.com>, <msquire@ycst.com>, <ssinder@kenyon.com>, <bhershkowitz@kenyon.com>, <cnables@kenyon.com>, <mhannemann@kenyon.com>, <mcarniaux@kenyon.com>, <mgabriel@kenyon.com>, <etse@kenyon.com>, <anemirot@kenyon.com>, <lpopovski@kenyon.com>, <jshaw@ycst.com>, <steven.cherny@lw.com>, <david.nelson@lw.com>, <sasha.mayergoyz@lw.com>, <david.farnum@lw.com>, <jblumenfeld@mnat.com>, <lpolizoti@mnat.com>, <matthew.powers@weil.com>, <edward.reines@weil.com>, <sonal.mehta@weil.com>, <ryan.owens@weil.com>, <jessica.davis@weil.com>, <don.dunner@finnegan.com>, <don.burley@finnegan.com>, <smithr@finnegan.com>, <york.faulkner@finnegan.com>, <jim.wilson@finnegan.com>, <houtan.esfahani@finnegan.com>, <john.williamson@finnegan.com>, <ron.myrick@finnegan.com>, <geoff.mason@finnegan.com>, <steven.anzalone@finnegan.com>, <pedro.suarez@finnegan.com>, <griff.price@finnegan.com>, <james.hammond@finnegan.com>, <nichelle.randolph@finnegan.com>, <vamsi.kakarla@finnegan.com>, "JDay" <jday@ashby-geddes.com>, "TLydon" <tlydon@ashby-geddes.com>

cc

Subject FW: Telcordia cases

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6/25/2006

Case 1:04-cv-00876-GMS Document 181-2 Filed 06/26/2006 Page 12 of 20
'steven.cherny@lw.com'; 'david.nelson@lw.com'; 'sasha.mayergoyz@lw.com'; 'jblumenfeld@mnat.com';
'matthew.powers@weil.com'; 'edward.reines@weil.com'; 'sonal.mehra@weil.com';
'ryan.owens@weil.com'; 'jessica.davis@weil.com'; 'don.dunner@finnegan.com';
'don.burley@finnegan.com'; 'rsmith@finnegan.com'; 'york.faulkner@finnegan.com';
'richard.rainey@finnegan.com'; 'jim.wilson@finnegan.com'; 'houtan.esfahani@finnegan.com';
'john.williamson@finnegan.com'; 'nichelle.randolph@finnegan.com'

Cc: SBalick; TLydon

Subject: Telcordia cases

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Thanks,

John

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< END >

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6/25/2006

EXHIBIT D

From: JDay [jday@ashby-geddes.com]
Sent: Saturday, June 24, 2006 10:35 AM
To: Steven.Cherny@lw.com; edward.reines@weil.com
Cc: don.dunner@finnegan.com; don.burley@finnegan.com; cnaples@kenyon.com; jshaw@ycst.com; jingersoll@ycst.com; msquire@ycst.com; steven.anzalone@finnegan.com; DAVID.NELSON@lw.com; Sasha.Mayergoyz@lw.com; David.McKone@lw.com; Sean.Pak@lw.com; MCarniaux@kenyon.com; Sonal.Mehta@weil.com; jessica.davis@weil.com; ron.myrick@finnegan.com; john.williamson@finnegan.com; Jack B. Blumenfeld
Subject: RE: Telcordia cases

Good morning Steve.

With four separate parties involved, it was a little late to "attempt to begin a dialogue" with one defendant less than 2 hours before the Court closed on the day we needed to seek relief. That said, if it will put an end to the posturing, I will be happy to respond to Ed's questions. We didn't ask for an additional week in the hope of negotiating a shorter extension. We asked for a week because we need the week. Don Dunner has been out of pocket since Judge Sleet issued his claim construction order on Thursday afternoon. He was in Boston at an ABA meeting all day Thursday, and had to fly back to Washington yesterday to deliver a eulogy at Chief Judge Markey's funeral. We also are without one of Telcordia's experts until Sunday. Ed's other questions put the proverbial cart before the horse. We aren't in a position to tell you how many expert reports Telcordia will be serving until we've had the chance to digest Judge Sleet's claim construction order and review his constructions with our experts. We also can't tell you we'll need time for this report, but not that one, until we've had the opportunity to complete that review for our experts. We simply don't know at this point.

Regards,

John

From: Steven.Cherny@lw.com [mailto:Steven.Cherny@lw.com]
Sent: Fri 6/23/2006 9:45 PM
To: JDay; edward.reines@weil.com
Cc: don.dunner@finnegan.com; don.burley@finnegan.com; cnaples@kenyon.com; jshaw@ycst.com; jingersoll@ycst.com; msquire@ycst.com; steven.anzalone@finnegan.com; DAVID.NELSON@lw.com; Sasha.Mayergoyz@lw.com; David.McKone@lw.com; Sean.Pak@lw.com; MCarniaux@kenyon.com; Sonal.Mehta@weil.com; jessica.davis@weil.com; ron.myrick@finnegan.com; john.williamson@finnegan.com; JBlumenfeld@MNAT.com
Subject: RE: Telcordia cases

John:

I note that you again refuse to answer, or even acknowledge, the questions Ed posed. Regardless of your expressed confusion re whether those questions came from all Defendants (the only reasonable reading) or from Cisco, why did you and do you now refuse to respond to those questions? The point is you asked for an extension and Ed "promptly" posed his questions in an attempt to begin a dialogue in the hopes that an acceptable compromise could be reached between Telcordia and the Defendants. Instead you ignored his questions and contacted the Court. That is not a legitimate attempt to meet and confer whether you believed Ed's questions were from all Defendants or just Cisco.

Saying that you would like to advise the Court by 3:00 is not the same as telling the Defendants that Telcordia had, in fact, contacted chambers and purportedly filed a motion as a result of that ex parte contact and discussion with the Judge's secretary. Pointing to Ed's second email in support of your failure to inform us of that ex parte contact simply is disingenuous. Ed followed up and asked if you had contacted chambers precisely because your earlier email had "implied" that you were going to contact chambers but you never informed us whether you had in fact contacted the Court. Ed shouldn't have had to ask and, as I said before, had he not asked it seems you were not going to tell us that you had in fact called chambers or told us the substance of your conversation with the Judge's secretary. Characterizing

6/25/2006

It is disturbing that you would ask for another extension and refuse to answer reasonable questions posed in attempt to resolve the issue. It is disturbing that you would ignore those questions and contact the Court under the guise that agreement had not been reached when Telcordia made no serious attempt to come to agreement. It is disturbing that Telcordia would contact the Court and discuss this issue with chambers without letting Defendants know that the Court had, in fact, been contacted or disclosing the substance of that contact.

Regards

Steve

From: JDay [mailto:jday@ashby-geddes.com]
Sent: Friday, June 23, 2006 8:57 PM
To: Cherny, Steven (NY); edward.reines@weil.com
Cc: don.dunner@finnegan.com; don.burley@finnegan.com; cnaples@kenyon.com; jshaw@ycst.com; jingersoll@ycst.com; msquire@ycst.com; steven.anzalone@finnegan.com; Nelson, David (CH); Mayergoyz, Sasha (CH); McKone, David (CH); Pak, Sean (LA); MCarniaux@kenyon.com; Sonal.Mehta@weil.com; jessica.davis@weil.com; ron.myrick@finnegan.com; john.williamson@finnegan.com
Subject: RE: Telcordia cases

Hi Steve. I'm not sure what "facts" you find "disturbing." My email this morning asked for a response on behalf of each of your clients (since, as you know, I need express authorization from each party to file a stipulation with the Court seeking to extend a deadline) and nothing in Ed's email to me indicated that he was speaking for all defendants. I didn't set a deadline; I simply asked for the courtesy of a prompt response, which hardly seems unreasonable or "arbitrary" under the circumstances. Judge Sleet prefers (and, in fact, expects) requests for extensions of time to be submitted BEFORE the due date, so Telcordia's request had to be made by 4:30 pm today, the time the Court closes. Finally, I'm at a loss to understand your comment that I "apparently wasn't going to apprise the defendants" about contacting Chambers, since I told you in my original email that "we'd like to advise the Court by 3:00 pm today." Indeed, Ed (who you suggest was speaking on your behalf) understood our intention, as he said in his second email to me ("Because your initial email implied that you were going to contact the Court informally (at 3pm EDT)"). As for the "substance" of what Judge Sleet's secretary instructed me to do -- essentially "you'd better file your motion as soon as possible if your deadline is Monday" -- it hardly seems noteworthy and was fairly self-evident in any event.

Regards,

John

From: Steven.Cherny@lw.com [mailto:Steven.Cherny@lw.com]
Sent: Fri 6/23/2006 7:32 PM
To: JDay; edward.reines@weil.com
Cc: don.dunner@finnegan.com; don.burley@finnegan.com; cnaples@kenyon.com; jshaw@ycst.com; jingersoll@ycst.com; msquire@ycst.com; steven.anzalone@finnegan.com; DAVID.NELSON@lw.com; Sasha.Mayergoyz@lw.com; David.McKone@lw.com; Sean.Pak@lw.com; MCarniaux@kenyon.com; Sonal.Mehta@weil.com; jessica.davis@weil.com; ron.myrick@finnegan.com; john.williamson@finnegan.com
Subject: Telcordia cases

John:

Your statement is hard to understand given the Defendants' consistent course of not sending repetitive responses to questions posed to all three. Ed posed good and reasonable questions prior to your arbitrary deadline and I, for one, was interested in your responses to those

6/25/2006

Instead of responding, you chose to contact the Court and, but for Ed's second set of inquiries, it appears you were not going to apprise the Defendants of that contact or the substance of your conversation with the judge's secretary.

You still have not responded to Ed's questions other than to refer the Defendants to your motion -- which does not respond to those questions.

I am disappointed in Telcordia's failure to meet and confer in good faith on this issue. We will respond to your motion and bring these disturbing facts to the Court's attention.

Regards

Steve

-----Original Message-----

From: JDay <jday@ashby-geddes.com>
To: edward.reines@weil.com <edward.reines@weil.com>
CC: anemiroff@kenyon.com <anemiroff@kenyon.com>; apoff@ycst.com <apoff@ycst.com>; bhershkowitz@kenyon.com <bhershkowitz@kenyon.com>; cnaples@kenyon.com <cnaples@kenyon.com>; Farnum, David (DC); Nelson, David (CH); don.burley@finnegan.com <don.burley@finnegan.com>; don.dunner@finnegan.com <don.dunner@finnegan.com>; etse@kenyon.com <etse@kenyon.com>; geoff.mason@finnegan.com <geoff.mason@finnegan.com>; griff.price@finnegan.com <griff.price@finnegan.com>; houtan.esfahani@finnegan.com <houtan.esfahani@finnegan.com>; james.hammond@finnegan.com <james.hammond@finnegan.com>; jblumenfeld@mnat.com <jblumenfeld@mnat.com>; jim.wilson@finnegan.com <jim.wilson@finnegan.com>; jingersoll@ycst.com <jingersoll@ycst.com>; john.williamson@finnegan.com <john.williamson@finnegan.com>; jshaw@ycst.com <jshaw@ycst.com>; lpelizoti@mnat.com <lpelizoti@mnat.com>; lpopovski@kenyon.com <lpopovski@kenyon.com>; mcarniaux@kenyon.com <mcarniaux@kenyon.com>; mgabriel@kenyon.com <mgabriel@kenyon.com>; mhannemann@kenyon.com <mhannemann@kenyon.com>; msquire@ycst.com <msquire@ycst.com>; nichelle.randolph@finnegan.com <nichelle.randolph@finnegan.com>; pedro.suarez@finnegan.com <pedro.suarez@finnegan.com>; ron.myrick@finnegan.com <ron.myrick@finnegan.com>; Mayergoyz, Sasha (CH); smithr@finnegan.com <smithr@finnegan.com>; ssinder@kenyon.com <ssinder@kenyon.com>; steven.anzalone@finnegan.com <steven.anzalone@finnegan.com>; Cherny, Steven (NY); TLydon <tlydon@ashby-geddes.com>; vamsi.kakarla@finnegan.com <vamsi.kakarla@finnegan.com>; york.faulkner@finnegan.com <york.faulkner@finnegan.com>; jessica.davis@weil.com <jessica.davis@weil.com>; matthew.powers@weil.com <matthew.powers@weil.com>; ryan.owens@weil.com <ryan.owens@weil.com>; sonal.mehta@weil.com <sonal.mehta@weil.com>
Sent: Fri Jun 23 18:47:49 2006
Subject: RE: Telcordia cases

Good afternoon Ed. As you were the only defendant to respond to my email, I called Judge Sleet's chambers at about 3:30 pm to seek guidance on how to present Telcordia's proposal to the Court given the tight time frame we are facing. Because of the time constraints, Judge Sleet's secretary instructed me to file a motion presenting Telcordia's proposal at my earliest convenience, and told me that his staff would bring it to his attention as soon as possible. That was why we filed the motion. As for your remaining questions, Telcordia's proposal is reflected in the motion; we are seeking a one-week extension for all reports.

Thanks,

6/25/2006

From: edward.reines@weil.com [mailto:edward.reines@weil.com]
Sent: Friday, June 23, 2006 6:09 PM
To: JDay
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york.faulkner@finnegan.com; jessica.davis@weil.com;
matthew.powers@weil.com; ryan.owens@weil.com; sonal.mehta@weil.com
Subject: Fw: Telcordia cases

John,

Earlier today we sought some answers concerning your request for a third extension of the expert report deadline. Because your initial email implied that you were going to contact the Court informally at (3 pm ET) after you met and conferred with defendants and because you instead filed a motion, it is not clear what transpired. Thus, we have the following questions:

1. Will Telcordia accept anything less than a week extension?
2. Is Telcordia insistent on an extension for all the reports it plans to file?
3. How many and what kind of reports is Telcordia planning to submit to support its burdens of proof?
4. Did Telcordia contact the Court informally and, if so, what happened?

Please respond as soon as possible. Also, note that, absent Court order, we plan to meet the expert report deadline. It would be unfair and improper for Telcordia to ignore the current deadline and "grant" its own motion to change the schedule. We reserve all rights in that regard.

Best,

Ed

----- Forwarded by Edward Reines/SV/WGM/US on 06/23/2006 02:55 PM -----

Edward Reines/SV/WGM/US

06/23/2006 11:36 AM

To

jday@ashby-geddes.com

cc

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cnaples@kenyon.com, david.farnum@lw.com, david.nelson@lw.com,

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jessica.davis@weil.com, matthew.powers@weil.com, ryan.owens@weil.com,
sonal.mehta@weil.com

Subject

Re: FW: Telcordia casesLink

<Notes:///88256CE0006C6E3C/DABA975B9FB113EB852564B5001283EA/387F2E8EC5
1A2D5B852571960055CF0A>

John,

As you know, Defendants have already squeezed two weeks out of the schedule in the prior two extensions of the expert report deadline. Moreover, Telcordia has been aware of the claim constructions which have now been adopted by Judge Sleet so most of what needs to be done is simply to remove opinions relating to the rejected claim constructions.

Against that background, for us to seriously consider your proposal, we need to know which reports you believe truly warrant an extension. We do not see why a damages report would justify an extension, although that appears to be part of what you are seeking. Indeed, we need to know how many reports you plan to serve so we can assess how much we will have to react to in the limited time we have (which you propose to compress further). In addition, we are uncomfortable with a week extension given the already tight schedule and given our belief that there is no need for that much additional time for your reports. Please let us know asap how fast you think you can be ready to serve your reports so we can consider a more balanced request for an extension.

Best,

Ed

"JDay" <jday@ashby-geddes.com>

06/23/2006 08:36 AM

To

<jingersoll@ycst.com>, <apoff@ycst.com>, <msquire@ycst.com>,
<ssinder@kenyon.com>, <bhershkowitz@kenyon.com>, <cnaples@kenyon.com>,
<mhannemann@kenyon.com>, <mcarniaux@kenyon.com>,
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<david.farnum@lw.com>, <jblumenfeld@mnat.com>, <lpolizoti@mnat.com>,
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<sonal.mehta@weil.com>, <ryan.owens@weil.com>,
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6/25/2006

Case 1:04-cv-00876-GMS Document 181-2 Filed 06/26/2006 Page 19 of 20

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<ron.myrick@finnegan.com>, <geoff.mason@finnegan.com>,
<steven.anzalone@finnegan.com>, <pedro.suarez@finnegan.com>,
<griff.price@finnegan.com>, <james.hammond@finnegan.com>,
<nichelle.randolph@finnegan.com>, <vamsi.kakarla@finnegan.com>, "JDay"
<jday@ashby-geddes.com>, "TLydon" <tlydon@ashby-geddes.com>
cc

Subject
FW: Telcordia cases

Please forgive the duplicative message if this is the second time you received it. I failed to use the updated email list when I sent my previous meesage.

Thanks,

John

From: JDay
Sent: Friday, June 23, 2006 11:27 AM
To: 'jingersoll@ycst.com'; 'ssinder@kenyon.com';
'bherishkowitz@kenyon.com'; 'cnaples@kenyon.com';
'mhannemann@kenyon.com'; 'mcarniaux@kenyon.com';
'mgabriel@kenyon.com'; 'etse@kenyon.com'; 'skolassa@kenyon.com';
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'jim.wilson@finnegan.com'; 'houtan.esfahani@finnegan.com';
'john.williamson@finnegan.com'; 'nichelle.randolph@finnegan.com'
Cc: SBalick; TLydon
Subject: Telcordia cases

Good morning. In order to afford the parties' experts the opportunity to review and digest the Court's June 22nd claim construction decision before submitting their opening expert reports (which currently are due on Monday), Telcordia proposes that the parties stipulate to a one-week extension of the due date for such reports. Would you please let me know whether your client is amenable to such an extension at your earliest convenience? We'd like to advise the Court by 3:00 pm (Eastern) today.

Thanks,

John

< END >

< END >

6/25/2006

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Latham & Watkins LLP

6/25/2006